

1634 Eye Street, NW
Suite 1100
Washington, DC 20006

December 13, 2010

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St. SW
Washington, DC 20554
Filed Electronically

RE: Notice of *ex parte* presentation in:

GN Docket No. 09-191
WC Docket No. 07-52
GN Docket 10-127

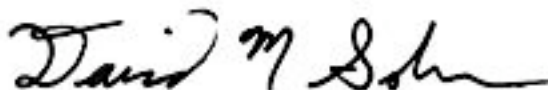
Dear Ms. Dortch,

On Monday, December 13, David Sohn of the Center for Democracy and Technology (CDT) met with Angela Kronenberg and Louis Pereartz, legal advisors to Commissioner Clyburn. We discussed the Open Internet proceeding and the scheduled vote on proposed rules scheduled for the December 21 open meeting.

Consistent with CDT's written comments in the above captioned proceedings, I stressed the importance of the FCC adopting rules in this area. I observed that the status quo leaves Internet openness with no concrete protections, making FCC action essential.

With respect to the legal basis for FCC action, I expressed CDT's support for the Chairman's "third way" proposal earlier this year. I argued that whatever the legal theory, however, any final order should make clear that the FCC's assertion of authority is limited to access lines and does not extend generally to content or applications flowing over those lines. I suggested that the FCC expressly disclaim such potentially sweeping authority.

Sincerely,



David M. Sohn
Senior Policy Counsel

